

**10 Civ 1567 (PAC)**

ENDORSEMENT: Defendant Luxco's motion to dismiss is denied. The amended complaint is more than adequate to put defendant on notice of plaintiff's claims in this trade dress infringement action. The parties should meet and confer and thereafter submit a civil case management plan by March 8, 2011. The Clerk of Court is directed to close this motion. So Ordered.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 18 FEB 2011

Philippe A. Zimmerman  
Moses & Singer LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174  
Phone: (212) 554-7800  
Facsimile: (212) 554-7700

**COURTESY COPY**

and

Michael R. Annis (*pro hac vice application pending*)  
Alan S. Nemes (*pro hac vice application pending*)  
Husch Blackwell LLP  
190 Carondelet Plaza, Suite 600  
Saint Louis, MO 63105  
Telephone: (314) 480-1500  
Facsimile: (314) 480-1505

*Attorneys for Defendant, Luxco, Inc.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

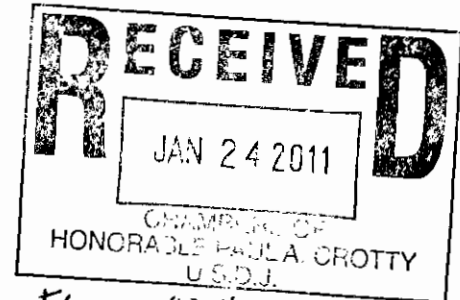
PERNOD RICARD USA, LLC,

Plaintiff

v.

LUXCO, INC.,

Defendant



*February 18, 2011*  
*Defendant has not motion to dismiss*  
*is denied. The amended complaint*  
*is more than adequate to put defendant on notice of*  
*plaintiff's claim of this trade dress*  
*infringement action. The parties should*  
*meet and confer and thereafter submit a*  
*civil case management plan by March 9, 2011*  
*10 Civ 1567 (PAC) The Clerk of the Court is*  
*directed to close this matter*  
*So ordered*  
*Paul M. Mitty*

**NOTICE OF DEFENDANT LUXCO, INC.'S MOTION, PURSUANT  
TO FED. R. CIV. P. 12(B)(6), TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon Defendant Luxco, Inc.'s Memorandum of Law in Support of Motion to Dismiss Plaintiff's Amended Complaint and the Affirmation of Philippe Zimmerman, dated January 21, 2011, the exhibits thereto, and the Amended Complaint, Defendant, Luxco, Inc. ("Luxco"), will move this Court before the Hon. Paul A. Crotty, at the

**MEMO ENCLOSED**